

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KIRK AND ALLISON HERBSTREIT	:	
	:	
Plaintiff,	:	
	:	Case No. 2:09-cv-216
v.	:	
	:	Judge Holschuh
UNITED STATES OF AMERICA	:	Magistrate Judge King
	:	
Defendant.	:	

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Plaintiffs Kirk and Allison Herbstreit and Defendant United States, all by undersigned counsel, stipulate to the dismissal of the above-captioned case **without prejudice**, with all parties to bear their own costs.

AGREED.

PLAINTIFFS:
KIRK AND ALLISON HERBSTREIT

DEFENDANT:
UNITED STATES OF AMERICA

By: /s/ Terrence A. Grady
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IT IS SO ORDERED, ADJUDGED AND DECREED.

Date: _____

Judge Holschuh